

REFERENCE TITLE: schools; GED; graduation rate

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2558

Introduced by
Representatives Anderson, Tobin

AN ACT

AMENDING SECTIONS 15-241, 15-741 AND 15-741.01, ARIZONA REVISED STATUTES;
RELATING TO SCHOOL ACCOUNTABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-241, Arizona Revised Statutes, is amended to
3 read:

4 15-241. School accountability; schools failing to meet academic
5 standards; failing schools tutoring fund;
6 classification label for school districts and charter
7 school operators

8 A. The department of education shall compile an annual achievement
9 profile for each public school.

10 B. Each school shall submit to the department any data that is
11 required and requested and that is necessary to compile the achievement
12 profile. A school that fails to submit the information that is necessary is
13 not eligible to receive monies from the classroom site fund established by
14 section 15-977.

15 C. The department shall establish a baseline achievement profile for
16 each school by October 15, 2001. The baseline achievement profile shall be
17 used to determine a standard measurement of acceptable academic progress for
18 each school and a school classification pursuant to subsection H of this
19 section. Any disclosure of educational records compiled by the department of
20 education pursuant to this section shall comply with the family educational
21 and privacy rights act of 1974 (20 United States Code section 1232g).

22 D. The achievement profile for schools that offer instruction in
23 kindergarten programs and grades one through eight, or any combination of
24 those programs or grades, shall include the following school academic
25 performance indicators:

26 1. The Arizona measure of academic progress. The department shall
27 compute the extent of academic progress made by the pupils in each school
28 during the course of each year.

29 2. The Arizona instrument to measure standards test. The department
30 shall compute the percentage of pupils who meet or exceed the standard on the
31 Arizona instrument to measure standards test, as prescribed by the state
32 board of education. The superintendent of public instruction and the
33 department may calculate academic gain on the Arizona instrument to measure
34 standards test according to each of the school classifications prescribed in
35 subsection G of this section on a statewide basis, for each school district
36 in this state and for each school by determining the average scale scores for
37 students in the current academic year as compared to the average scale scores
38 for the previous academic year for the same students.

39 3. The results of English language learners tests administered
40 pursuant to section 15-756, subsection B, section 15-756.05 and section
41 15-756.06.

42 E. The achievement profile for schools that offer instruction in
43 grades nine through twelve, or any combination of those grades, shall include
44 the following school academic performance indicators:

1 1. The Arizona instrument to measure standards test. The department
2 shall compute the percentage of pupils pursuant to subsection G of this
3 section who meet or exceed the standard on the Arizona instrument to measure
4 standards test, as prescribed by the state board of education. The
5 superintendent of public instruction and the department may calculate
6 academic gain on the Arizona instrument to measure standards test according
7 to each of the school classifications prescribed in subsection G of this
8 section on a statewide basis, for each school district in this state and for
9 each school by determining the average scale scores for students in the
10 current academic year as compared to the average scale scores for the
11 previous academic year for the same students.

12 2. The annual dropout rate. IF A PERSON CEASES ENROLLMENT AT A HIGH
13 SCHOOL IN THIS STATE BEFORE OBTAINING A HIGH SCHOOL DIPLOMA, DOES NOT ENROLL
14 IN A DIFFERENT HIGH SCHOOL AND OBTAINS A GENERAL EQUIVALENCY DIPLOMA WITHIN
15 TWELVE MONTHS AFTER CEASING ENROLLMENT AT THAT HIGH SCHOOL, THE DEPARTMENT OF
16 EDUCATION SHALL NOT CLASSIFY THAT PERSON AS A DROPOUT FOR PURPOSES OF THIS
17 PARAGRAPH.

18 3. The annual graduation rate. IF A PERSON CEASES ENROLLMENT AT A
19 HIGH SCHOOL IN THIS STATE BEFORE OBTAINING A HIGH SCHOOL DIPLOMA, DOES NOT
20 ENROLL IN A DIFFERENT HIGH SCHOOL AND OBTAINS A GENERAL EQUIVALENCY DIPLOMA
21 WITHIN TWELVE MONTHS AFTER CEASING ENROLLMENT AT THAT HIGH SCHOOL, THE
22 DEPARTMENT OF EDUCATION SHALL EXCLUDE THAT PERSON FOR PURPOSES OF THIS
23 PARAGRAPH.

24 4. The results of English language learners tests administered
25 pursuant to section 15-756, subsection B, section 15-756.05 and section
26 15-756.06.

27 F. Schools that offer instruction in all or a combination of the
28 grades specified in subsections D and E of this section shall include a
29 single achievement profile for that school that includes the school academic
30 performance indicators specified in subsections D and E of this section.

31 G. Subject to final adoption by the state board of education, the
32 department shall determine the criteria for each school classification using
33 a research based methodology. The methodology shall include the performance
34 of pupils at all achievement levels, account for pupil mobility, account for
35 the distribution of pupil achievement at each school and include longitudinal
36 indicators of academic performance. For the purposes of this subsection,
37 "research based methodology" means the systematic and objective application
38 of statistical and quantitative research principles to determine a standard
39 measurement of acceptable academic progress for each school.

40 H. The achievement profile shall be used to determine a school
41 classification that designates each school as one of the following:

- 42 1. An excelling school.
- 43 2. A highly performing school.
- 44 3. A performing school.
- 45 4. An underperforming school.

1 5. A school failing to meet academic standards.

2 I. The classification for each school and the criteria used to
3 determine classification pursuant to subsection G of this section shall be
4 included on the school report card prescribed in section 15-746.

5 J. Subject to final adoption by the state board of education, the
6 department of education shall develop a parallel achievement profile for
7 accommodation schools, alternative schools as defined by the state board of
8 education and extremely small schools as defined by the state board of
9 education for the purposes of this section.

10 K. If a school is designated as an underperforming school, within
11 ninety days after receiving notice of the designation, the governing board
12 shall develop an improvement plan for the school, submit a copy of the plan
13 to the superintendent of public instruction and supervise the implementation
14 of the plan. The plan shall include necessary components as identified by
15 the state board of education. Within thirty days after submitting the
16 improvement plan to the superintendent of public instruction, the governing
17 board shall hold a special public meeting in each school that has been
18 designated as an underperforming school and shall present the respective
19 improvement plans that have been developed for each school. The school
20 district governing board, within thirty days of receiving notice of the
21 designation, shall provide written notification of the classification to each
22 residence within the attendance area of the school. The notice shall explain
23 the improvement plan process and provide information regarding the public
24 meeting required by this subsection.

25 L. A school that has not submitted an improvement plan pursuant to
26 subsection K of this section is not eligible to receive monies from the
27 classroom site fund established by section 15-977 for every day that a plan
28 has not been received by the superintendent of public instruction within the
29 time specified in subsection K of this section plus an additional ninety
30 days. The state board of education shall require the superintendent of the
31 school district to testify before the board and explain the reasons that an
32 improvement plan for that school has not been submitted.

33 M. If a charter school is designated as an underperforming school,
34 within thirty days the school shall notify the parents of the students
35 attending the school of the classification. The notice shall explain the
36 improvement plan process and provide information regarding the public meeting
37 required by this subsection. Within ninety days of receiving the
38 classification, the charter holder shall present an improvement plan to the
39 charter sponsor at a public meeting and submit a copy of the plan to the
40 superintendent of public instruction. The improvement plan shall include
41 necessary components as identified by the state board of education. For
42 every day that an improvement plan is not received by the superintendent of
43 public instruction, the school is not eligible to receive monies from the
44 classroom site fund established by section 15-977 for every day that a plan
45 has not been received by the superintendent of public instruction within the

1 time specified in subsection K of this section plus an additional ninety
2 days. The charter holder shall appear before the sponsoring board and
3 explain why the improvement plan has not been submitted.

4 N. The department of education shall establish an appeals process, to
5 be approved by the state board of education, for a school to appeal data used
6 to determine the achievement profile of the school. The criteria established
7 shall be based on mitigating factors and may include a visit to the school
8 site by the department of education.

9 O. If a school remains classified as an underperforming school for a
10 third consecutive year, the department of education shall visit the school
11 site to confirm the classification data and to review the implementation of
12 the school's improvement plan. The school shall be classified as failing to
13 meet academic standards unless an alternate classification is made after an
14 appeal pursuant to subsection N of this section.

15 P. The school district governing board, within thirty days of
16 receiving notice of the school failing to meet academic standards
17 classification, shall provide written notification of the classification to
18 each residence in the attendance area of the school. The notice shall
19 explain the improvement plan process and provide information regarding the
20 public meeting required by subsection S of this section.

21 Q. The superintendent of public instruction, based on need, shall
22 assign a solutions team to an underperforming school, a school failing to
23 meet academic standards or any other school pursuant to a mutual agreement
24 between the department of education and the school comprised of master
25 teachers, fiscal analysts and curriculum assessment experts who are certified
26 by the state board of education as Arizona academic standards technicians.
27 The department of education may hire or contract with administrators,
28 principals and teachers who have demonstrated experience with the
29 characteristics and situations in an underperforming school or a school
30 failing to meet academic standards and may use these personnel as part of the
31 solutions team. The department of education shall work with staff at the
32 school to assist in curricula alignment and shall instruct teachers on how to
33 increase pupil academic progress, considering the school's achievement
34 profile. The solutions team shall consider the existing improvement plan to
35 assess the need for changes to curriculum, professional development and
36 resource allocation and shall present a statement of its findings to the
37 school administrator and district superintendent. Within forty-five days
38 after the presentation of the solutions team's statement of findings, the
39 school district governing board, in cooperation with each school within the
40 school district that is designated an underperforming school and its assigned
41 solutions team representative, shall develop and submit to the department of
42 education an action plan that details the manner in which the school district
43 will assist the school as the school incorporates the findings of the
44 solutions team into the improvement plan. The department of education shall
45 review the action plan and shall either accept the action plan or return the

1 action plan to the school district for modification. If the school district
 2 does not submit an approved action plan within forty-five days, the state
 3 board of education may direct the superintendent of public instruction to
 4 withhold up to ten per cent of state monies that the school district would
 5 otherwise be entitled to receive each month until the plan is submitted to
 6 the department of education, at which time those monies shall be returned to
 7 the school district.

8 R. The parent or the guardian of the pupil may apply to the department
 9 of education, in a manner determined by the department of education, for a
 10 certificate of supplemental instruction from the failing schools tutoring
 11 fund established by this section. Pupils attending a school designated as an
 12 underperforming school or a school failing to meet academic standards or a
 13 pupil who has failed to pass one or more portions of the Arizona instrument
 14 to measure standards test in grades eight through twelve in order to graduate
 15 from high school may select an alternative tutoring program in academic
 16 standards from a provider that is certified by the state board of
 17 education. To qualify, the provider must state in writing a level of
 18 academic improvement for the pupil that includes a timeline for improvement
 19 that is agreed to by the parent or guardian of the pupil. The state board of
 20 education shall annually review academic performance levels for providers
 21 certified pursuant to this subsection and may remove a provider at a public
 22 hearing from an approved list of providers if that provider fails to meet its
 23 stated level of academic improvement. The state board of education shall
 24 determine the application guidelines and the maximum value for each
 25 certificate of supplemental instruction. The state board of education shall
 26 annually complete a market survey in order to determine the maximum value for
 27 each certificate of supplemental instruction. Nothing in this subsection
 28 shall be construed to require the state to provide additional monies beyond
 29 the monies provided pursuant to section 42-5029, subsection E, paragraph 7.

30 S. Within sixty days of receiving notification of designation as a
 31 school failing to meet academic standards, the school district governing
 32 board shall evaluate needed changes to the existing improvement plan for the
 33 school, consider recommendations from the solutions team, submit a copy of
 34 the plan to the superintendent of public instruction and supervise the
 35 implementation of the plan. Within thirty days after submitting the
 36 improvement plan to the superintendent of public instruction, the governing
 37 board shall hold a public meeting in each school that has been designated as
 38 a school failing to meet academic standards and shall present the respective
 39 improvement plans that have been developed for each school.

40 T. A school that has not submitted an improvement plan pursuant to
 41 subsection S of this section is not eligible to receive monies from the
 42 classroom site fund established by section 15-977 for every day that a plan
 43 has not been received by the superintendent of public instruction within the
 44 time specified in subsection S of this section plus an additional ninety
 45 days. The state board of education shall require the superintendent of the

1 school district to testify before the board and explain the reasons that an
2 improvement plan for that school has not been submitted.

3 U. If a charter school is designated as a school failing to meet
4 academic standards, the department of education shall immediately notify the
5 charter school's sponsor. The charter school's sponsor shall either take
6 action to restore the charter school to acceptable performance or revoke the
7 charter school's charter. Within thirty days the school shall notify the
8 parents of the students attending the school of the classification and of any
9 pending public meetings to review the issue.

10 V. A school that has been designated as a school failing to meet
11 academic standards shall be evaluated by the department of education to
12 determine if the school failed to properly implement its school improvement
13 plan, align the curriculum with academic standards, provide teacher training,
14 prioritize the budget or implement other proven strategies to improve
15 academic performance. After visiting the school site pursuant to subsection
16 0 of this section, the department of education shall submit to the state
17 board of education a recommendation to proceed pursuant to subsections Q, R
18 and S of this section or that the school be subject to a public hearing to
19 determine if the school failed to properly implement its improvement plan and
20 the reasons for the department's recommendation.

21 W. If the department does recommend a public hearing, the state board
22 of education shall meet and may provide by a majority vote at the public
23 hearing for the continued operation of the school as allowed by this
24 subsection. The state board of education shall determine whether
25 governmental, nonprofit and private organizations may submit applications to
26 the state board to fully or partially manage the school. The state board's
27 determination shall include:

28 1. If and to what extent the local governing board may participate in
29 the operation of the school including personnel matters.

30 2. If and to what extent the state board of education shall
31 participate in the operation of the school.

32 3. Resource allocation pursuant to subsection Y of this section.

33 4. Provisions for the development and submittal of a school
34 improvement plan to be presented in a public meeting at the school.

35 5. A suggested time frame for the alternative operation of the school.

36 X. The state board shall periodically review the status of a school
37 that is operated by an organization other than the school district governing
38 board to determine whether the operation of the school should be returned to
39 the school district governing board. Before the state board makes a
40 determination, the state board or its designee shall meet with the school
41 district governing board or its designee to determine the time frame,
42 operational considerations and the appropriate continuation of existing
43 improvements that are necessary to assure a smooth transition of authority
44 from the other organization back to the school district governing board.

1 Y. If an alternative operation plan is provided pursuant to subsection
2 W of this section, the state board of education shall pay for the operation
3 of the school and shall adjust the school district's student count pursuant
4 to section 15-902, soft capital allocation pursuant to section 15-962,
5 capital outlay revenue limit pursuant to section 15-961, base support level
6 pursuant to section 15-943, monies distributed from the classroom site fund
7 established by section 15-977 and transportation support level pursuant to
8 section 15-945 to accurately reflect any reduction in district services that
9 are no longer provided to that school by the district. The state board of
10 education may modify the school district's revenue control limit, the
11 district support level and the general budget limit calculated pursuant to
12 section 15-947 by an amount that corresponds to this reduction in
13 services. The state board of education shall retain the portion of state aid
14 that would otherwise be due the school district for the school and shall
15 distribute that portion of state aid directly to the organization that
16 contracts with the state board of education to operate the school.

17 Z. If the state board of education determines that a charter school
18 failed to properly implement its improvement plan, the sponsor of the charter
19 school shall revoke the charter school's charter.

20 AA. If there are more than two schools in a district and more than
21 one-half, or in any case more than five, of the schools in the district are
22 designated as schools failing to meet academic standards for more than two
23 consecutive years, in the next election of members of the governing board the
24 election ballot shall contain the following statement immediately above the
25 listing of governing board candidates:

26 Within the last five years, (number of schools) schools in the
27 _____ school district have been designated as "schools
28 failing to meet academic standards" by the superintendent of
29 public instruction.

30 BB. At least twice each year the department of education shall publish
31 in a newspaper of general circulation in each county of this state a list of
32 schools that are designated as schools failing to meet academic standards.

33 CC. The failing schools tutoring fund is established consisting of
34 monies collected pursuant to section 42-5029, subsection E as designated for
35 this purpose. The department of education shall administer the fund. The
36 department of education may use monies from the fund to purchase materials
37 designed to assist students to meet the Arizona academic standards and to
38 achieve a passing score on the Arizona instrument to measure standards test
39 in order to graduate from high school.

40 DD. The department of education may develop a classification label for
41 school districts and charter school operators. If the department of
42 education develops a classification label for school districts and charter
43 school operators, the classification label may be developed from the
44 following components:

- 45 1. Measures of academic progress.

1 2. Pupil assessment data.

2 3. The attendance rates and graduation rates of pupils who are
3 educated in that charter school operator's charter schools or in that school
4 district's schools.

5 4. The percentage of the parents of pupils enrolled in that charter
6 school operator's charter schools or in that school district's schools that
7 categorizes the quality of their child's education as excellent on a parental
8 rating of school quality.

9 Sec. 2. Section 15-741, Arizona Revised Statutes, is amended to read:
10 15-741. Assessment of pupils

11 A. The state board of education shall:

12 1. Adopt rules for purposes of this article pursuant to title 41,
13 chapter 6.

14 2. Adopt and implement an Arizona instrument to measure standards test
15 to measure pupil achievement of the state board adopted academic standards in
16 reading, writing and mathematics in at least four grades designated by the
17 board. The board shall determine the manner of implementation. The board
18 may administer assessments of the academic standards in social studies and
19 science. Prior to the administration of the tests to pupils and following
20 the statewide piloting of the tests, the board shall approve, at a public
21 meeting, the Arizona instrument to measure standards test.

22 3. Adopt and implement a statewide nationally standardized
23 norm-referenced achievement test in reading, language arts and mathematics,
24 except that the superintendent of public instruction may determine additional
25 grade levels for which pupils are tested. The tests shall be consistent with
26 the state standards and shall be administered during the spring of each year
27 between March 15 and May 1.

28 4. Ensure that the tests prescribed in this section are uniform
29 throughout the state.

30 5. Ensure that the tests prescribed in this section are able to be
31 scored in an objective manner and that the tests are not intended to advocate
32 any sectarian, partisan or denominational viewpoint.

33 6. Ensure that the results of the nationally standardized
34 norm-referenced achievement tests established as provided in this article are
35 comparable to associated grade equivalents, percentiles and stanines derived
36 from a multistate sample.

37 7. Include within its budget all costs pertaining to the tests
38 prescribed in this article. If sufficient monies are appropriated, the state
39 board may provide norm-referenced achievement test services to school
40 districts which request assistance in testing pupils in grades additional to
41 those required by this section.

42 8. Use subtests of the statewide nationally standardized
43 norm-referenced achievement test as designated by the state board to assess
44 pupils in reading, language arts and mathematics, at a level appropriate for
45 their grade level.

1 9. Survey teachers, principals and superintendents on achievement
2 related nontest indicators, including information on graduation rates by
3 ethnicity and dropout rates by ethnicity for each grade level. **IF A PERSON
4 CEASES ENROLLMENT AT A HIGH SCHOOL IN THIS STATE BEFORE OBTAINING A HIGH
5 SCHOOL DIPLOMA, DOES NOT ENROLL IN A DIFFERENT HIGH SCHOOL AND OBTAINS A
6 GENERAL EQUIVALENCY DIPLOMA WITHIN TWELVE MONTHS AFTER CEASING ENROLLMENT AT
7 THAT HIGH SCHOOL, THAT PERSON SHALL NOT BE CLASSIFIED AS A DROPOUT FOR
8 PURPOSES OF THIS PARAGRAPH AND SHALL BE EXCLUDED FROM THE GRADUATION RATE.**

9 Before the survey, the state board of education shall approve at a public
10 meeting the nontest indicators on which data will be collected. In
11 conducting the survey and collecting data, the state board of education shall
12 not violate the provisions of the family educational rights and privacy act
13 (P.L. 93-380), as amended, nor disclose personally identifiable information.

14 10. Establish a fair and consistent method and standard by which
15 norm-referenced test scores from schools in a district may be evaluated
16 taking into consideration demographic data. The board shall establish
17 intervention strategies to assist schools with scores below the acceptable
18 standard. The board shall annually review district and school scores and
19 shall offer assistance to school districts in analyzing data and implementing
20 intervention strategies. The board shall use the adopted norm-referenced
21 test and methods of data evaluation for a period of at least ten years.

22 11. Participate in other assessments that provide national comparisons
23 as needed.

24 B. The standardized norm-referenced achievement tests adopted by the
25 state board as provided in subsection A shall be given annually. The tests
26 shall be administered over a one week period between March 15 and May 1.
27 Nontest indicator data and other information shall be collected at the same
28 time as the collection of standardized norm-referenced achievement test data.

29 C. Local school district governing boards shall:

30 1. Administer the tests prescribed in subsection A.

31 2. Survey teachers, principals and superintendents on achievement
32 related nontest indicator data as required by the state board including
33 information related to district graduation and dropout rates. In conducting
34 the survey and collecting data, the governing board shall not violate the
35 provisions of the family educational rights and privacy act (P.L. 93-380), as
36 amended, nor disclose personally identifiable information.

37 D. A test for penmanship shall not be required pursuant to this
38 article.

39 Sec. 3. Section 15-741.01, Arizona Revised Statutes, is amended to
40 read:

41 15-741.01. Goals for excellence

42 A. Based on the data reported on the report cards as prescribed in
43 this article, the state board shall adopt specific state level objectives for
44 each of the following goal areas:

- 1 1. Achievement levels of pupils at the end of grade three, grade eight
2 and grade twelve.
- 3 2. Dropout and high school graduation rates. IF A PERSON CEASES
4 ENROLLMENT AT A HIGH SCHOOL IN THIS STATE BEFORE OBTAINING A HIGH SCHOOL
5 DIPLOMA, DOES NOT ENROLL IN A DIFFERENT HIGH SCHOOL AND OBTAINS A GENERAL
6 EQUIVALENCY DIPLOMA WITHIN TWELVE MONTHS AFTER CEASING ENROLLMENT AT THAT
7 HIGH SCHOOL, THE STATE BOARD SHALL NOT CLASSIFY THAT PERSON AS A DROPOUT FOR
8 PURPOSES OF THIS PARAGRAPH AND SHALL EXCLUDE THAT PERSON FROM THE GRADUATION
9 RATE.
- 10 3. Postsecondary employment and college enrollment rate.
- 11 B. Local district governing boards shall establish specific district
12 level objectives and shall prescribe a method for schools in the district to
13 establish school level objectives for the goal areas in subsection A, as
14 prescribed by the state board.
- 15 C. The state board shall publish in the appropriate report cards the
16 objectives written by the state, the districts and the schools, and the state
17 board, districts and schools shall review and revise, if needed, their own
18 objectives annually.